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OFFICE OF PETITIONS

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In re Application of :
Kuszmaw, et al. : DECISION ON PETITION
Application No. 10/608,621 :
Filed: June 27, 2003 :
Docket No.: 7830-007-999 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 21, 2006.

This application was held abandoned December 8, 2004 for failure to timely submit a proper reply to the non-final Office action mailed September 7, 2004. Notice of Abandonment was mailed March 22, 2006.

Petitioners assert that a response to the non-final Office action and a petition for extension of time were timely filed on March 7, 2005. Petitioners have submitted as proof of USPTO receipt of the reply a date-stamped return postcard. Petitioners further indicate that the response consisted of a continuation application along with a petition for extension of time.

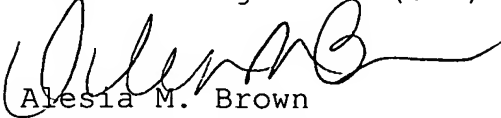
A review of the record reveals that on March 7, 2005, a petition for three month extension of time as well as a continuation application (U.S. App. No. 11/077,565) were filed. In view thereof, a reply to the non-final Office action was in fact timely received. In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The purpose of the instant decision is for that solely of continuity. As continuity has been established by this decision, the application is now abandoned in favor of the continuation Application No. 11/077,565, filed March 7, 2005.

The application file is being forwarded to Technology Center 2100 for issuance of a Notice of Abandonment.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a long horizontal flourish extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions